

Court of Appeals, State of Michigan

ORDER

Estate of Brittney Love Dushaj v Ford Motor Company

Docket No. 355340

LC No. 2020-000416-NI


Colleen A. O'Brien
Presiding Judge

Kathleen Jansen

Jonathan Tukel
Judges

The motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED, and the October 27, 2020, orders are REVERSED IN PART to the extent that the circuit court denied the motions for summary disposition with respect to plaintiff's negligent entrustment claims. This Court recently held in *Cooke v Ford Motor Co*, ___ Mich App ___ ; ___ NW2d ___ (2020) (Docket No. 346091, issued September 10, 2020), slip op at 8, that defendant Ford Motor Company "was 'engaged in the business of leasing motor vehicles' as contemplated by MCL 257.401(2) and MCL 257.401a and is exempt from liability under the owner's liability statute." The same reasoning applies to defendant Ford Motor Credit Company. Further, MCL 257.401(2) precludes common-law liability on behalf of long-term lessors "for damages for injuries to either person or property resulting from the operation of the leased motor vehicle" Because negligent entrustment is a common-law tort, *Bennett v Russell*, 322 Mich App 638, 643; 913 NW2d 364 (2018), neither defendant can be held liable for plaintiff's negligent entrustment claims as a matter of law. Accordingly, the circuit court erred by denying defendants' motions in part.

We do not retain jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

May 4, 2021

Date


Chief Clerk